

**REMARKS/ARGUMENTS**

It is critical to note that in the previous Amendment (Filed on April 28, 2008) Applicant included a 1.132 Declaration by Richard A. Carey, an expert in the field of educational technology and product development. The USPTO's electronic tracking system verifies that this declaration was received by the USPTO. This filed 1.132 Declaration was not mentioned or considered in the latest Office Action (mailed on July 24, 2008). In two telephone conversations with Examiner Cheung he stated that the 1.132 Declaration was accidentally overlooked and that his supervisor recommended that he respond to that declaration in the next Office Action. Applicant eagerly awaits the Examiner's review and evaluation of this declaration substantiating the novel, highly useful nature of the subject invention and that no remotely similar products exist in the marketplace.

The Examiner has rejected all of the pending claims (Claims 38, and 40-55) based on either 35 USC 112, first paragraph or 35 USC 103(a). To better frame the pending claims, the limitations of Claim 55 have been incorporated into Claim 54 and Claim 55 has been withdrawn. Also, Claims 51 and 53 are herewith withdrawn from consideration.

Claims 54 and 55 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner has noted that the term "hand-held" is not described in the subject application. Even though the subject invention is very frequently utilized by means of simply holding the document to be

graded under the camera, Applicant has deleted “hand-held” from Claim 54 and withdrawn Claim 55 (its limitations being added into Claim 54).

It is respectfully pointed out that the Examiner has apparently jumbled his response for a related application (Serial No.: 10/236,024) into this application. On page 2 of the pending Office Action the Examiner states, in paragraph 4, that “Claims 1, 2, 4-20, 22-62, and 66-69 are rejected under 35 USC 103(a) as being unpatentable over Clark (US Patent No. 5,321,611) in view of Pollard et al. (US Patent Application Publication No. 2003/0025951).” There are no pending Claims 1, 2, 4-20, 22-37, 39, 56-62, and 66-69 in this application, only pending Claims 38 and 40-55 (with Claims 55 currently withdrawn). Application Serial No.: 10/236,024 does have the noted claims and were discussed by this Examiner in his recent Office Action for that Application. Thus, I am at a loss as to exactly which Claims the Examiner has rejected for this application. However, since there is a six-month time-limit quickly approaching, I will assume the Examiner intended to list the actual pending claims (Claims 38 and 40-55) and respond accordingly.

Claim 38 stand rejected by the Clark et al. reference view of Pollard et al. Paragraph 9 of Pollard et al. clearly states that the document has “specialized calibration marks” which have been predetermined for location of the face of the document. The subject invention looks for a data field anywhere on the page without the use of “specialized calibration marks” and reads the information presented. To further clarify the subject invention, all of the pending independent claims (Claims 38, 46, 50, 52, and 54) have been amended with the limitation that the analyzing means “utilizes image dithering programming logic that measures vertical and horizontal angles

for said digital image feature, wherein said vertical and horizontal angles represent a rotational angle at which said digital image feature is rotated." This limitation is found in none of the cited references.

Claims 40, 41, and 43 now depend from amended Claim 38 which is now plainly patentable over the cited references and the listed limitations are non-obvious and novel with respect to the parent claim's (Claim 38) elements.

Likewise, rejected Claim 42 depends from amended Claim 38 and the Keogh et al. (USPN 5,134,669) reference no longer applies to a system utilizing dithering logic to establish rotational coordinates. In a similar fashion the Examiner's rejections of Claims 44 and 45 now fail with respect to the amended parent claim (Claim 38).

Additionally, Claims 50 and 52 stand rejected under basically the same approach as stated for the other claims. Again, with the inclusion of the "dithering logic to establish rotational coordinates" the claims are allowable.

Concerning Claim 54, the Examiner notes that the "hand-held" limitation is inappropriate. As indicated above, this limitation has been deleted from Claim 54.

Claims 51, 53, and 55 are rejected based on Pollard et al. disclosing a camera with no moving components. Although Pollard et al. does not specifically disclose that the camera has no moving components, Claims 51, 53, and 55 have been withdrawn from consideration.

In view of the above amendment, remarks, and 1.132 Declaration, the Examiner is respectfully requested to withdraw the rejections to the Claims and pass this application to issue. If, in the opinion of the Examiner, a telephone conference would

expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (916) 498-1010.

Respectfully submitted,

Date: January 23, 2009

By: \_\_\_\_\_

  
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